



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## Rhode Island State Labor Relations Board

Building 73  
1511 Pontiac Avenue  
Cranston, Rhode Island 02920-4407

### **OPEN MINUTES** **BOARD MEETING**

**TIME:** 9:00 a.m.  
**DATE:** Tuesday, October 12, 2004  
**PLACE:** 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

**BOARD MEMBERS IN ATTENDANCE:** Walter J. Lanni, Chairman  
Frank J. Montanaro  
Joseph V. Mulvey  
John R. Capobianco  
Elizabeth S. Dolan  
Gerald S. Goldstein  
Ellen L. Jordan

**OTHERS PRESENT:** Robyn H. Golden, Acting Administrator  
Linda L. Esposito, Secretary  
Margaret Hogan, Esquire

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Chairman Lanni called the meeting to order in Open Session at 9:10 a.m.

**Ellen Jordan and Gerald Goldstein abstained from voting on the Open Minutes of the August 26, 2004 Board Meeting.**

All participating Members reviewed the Open Minutes of the August 26, 2004 Board Meeting. A Motion was made by John Capobianco and seconded by Frank Montanaro to accept the Open Minutes as written, and it was unanimously

**VOTED:** by all participating Board Members to accept the minutes as written.

**Joseph Mulvey abstained from voting on the Open Minutes of the September 8, 2004 Board Meeting.**

All participating Members reviewed the Open Minutes of the September 8, 2004 Board Meeting. A Motion was made by Frank Montanaro and seconded by John Capobianco to accept the Open Minutes as written, and it was unanimously

**VOTED:** by all participating Board Members to accept the minutes as written.

The meeting continued in open session:

Telephone: (401) 462-8830

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**ELECTION PETITIONS:**

1. Case No. EE-3679  
Town of West Warwick & NEARI  
**(19 POSITIONS)**

After review, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to proceed to investigation of all the positions listed within the Representation Petition. The position of Town Planner is currently vacant; therefore, that position will not be investigated at this time. After discussion, all Board Members voted in favor of the Motion.

**UNIT CLARIFICATIONS:**

1. Case No. EE-1714  
Administration & AFSCME  
**UNIT CLARIFICATION: Executive Secretary-State Properties Committee**

**Walter Lanni recused himself from participation in this matter.**  
**Frank Montanaro abstained from voting in this matter.**

After review, a Motion was made by Gerald Goldstein and seconded by Ellen Jordan to issue a preliminary determination to accrete the position of **Executive Secretary-State Properties Committee** to the unit described in Case No. EE-1714 and proceed to formal hearing. After consultation with Attorney Hogan, it was determined that the parties be advised that the testimony obtained from the prior formal hearing in Case No. EE-3133, relative to the issue of the position being that of a managerial, supervisory or confidential nature, be incorporated into this proceeding, and that no litigation will take place as to whether the status of the position is that of managerial, supervisory or confidential, unless the Employer can establish any substantial changes in circumstances. After discussion, all participating Board Members present voted in favor of the Motion.

2. Case No. EE-3262  
Central Falls & AFSCME (*Consent & Affidavit*)  
**UNIT CLARIFICATION: Police Computer Systems Person  
and Municipal Court Secretary**

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the positions of Police Computer Systems Person and Municipal Court Secretary shall be and is hereby accreted into the bargaining unit defined in Case No. EE-3262. After discussion, all Board Members voted in favor of the Motion.

**CASES CONCLUDED:**

1. Case No. ULP-5700  
Labor & Training & AFSCME

This case was heard formally by Joseph Mulvey, Gerald Goldstein, and John Capobianco. Walter Lanni, Ellen L. Jordan, Elizabeth Dolan, and Frank Montanaro reviewed the transcript and briefs submitted by the parties.

After review, a Motion was made by Gerald Goldstein and seconded by Elizabeth Dolan to dismiss the charge filed in this matter. After discussion, all Board Members voted in favor of the Motion.

**DRAFTED DECISIONS:**

1. Case No. EE-1707A/3167  
Providence School & AFSCME & RI Laborers' District Council  
**UNIT CLARIFICATION:**

This case was heard formally by Walter Lanni, Joseph Mulvey, and John Capobianco. Frank Montanaro, Elizabeth Dolan, Gerald Goldstein, and Ellen L. Jordan reviewed the transcript and briefs submitted by the parties.

**ORDER:** 1.) The petition to accrete the position of Foreman, Central Supply Warehouse to the bargaining unit certified by Case No. EE-3167 is hereby granted.

2.) The petition to accrete the position of Foreman, Central Supply Warehouse to the bargaining unit certified by Case No. EE-1707A is hereby denied and dismissed.

After review of the drafted decision, a Motion was made by Elizabeth Dolan and seconded by Frank Montanaro to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written.

2. Case No. ULP-5506  
Bristol/Warren School & NEA

A Motion was made by John Capobianco and seconded by Ellen Jordan to table this matter until the next Board Meeting as the drafted Decision was not available. All Board Members voted in favor of the Motion.

3. Case No. ULP-5657  
Corrections & RIBCO

A Motion was made by John Capobianco and seconded by Ellen Jordan to table this matter until the next Board Meeting as the drafted Decision was not available. All Board Members voted in favor of the Motion.

4. Case No. ULP-5665  
Providence & Laborers'

This case was heard formally by Joseph Mulvey, Gerald Goldstein, John Capobianco, and Elizabeth Dolan. Walter Lanni, Frank Montanaro, and Ellen L. Jordan reviewed the transcript and briefs submitted by the parties.

**ORDER:** The employer is hereby ordered to cease and desist in engaging in retaliatory conduct when members of the bargaining unit file grievances.

After review of the drafted decision, a Motion was made by Joseph Mulvey and seconded by John Capobianco to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written. Elizabeth Dolan, Gerald Goldstein and Ellen Jordan signed the Decision as dissenting.

5. Case No. ULP-5673 (**Employer**)  
Coventry Fire District & IAFF

**Frank Montanaro recused himself from participation in this matter.**

This case was heard formally by Walter Lanni, John Capobianco, Elizabeth Dolan, Ellen L. Jordan, and Joseph Mulvey. Gerald Goldstein reviewed the transcript and briefs submitted by the parties.

**ORDER:** The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

After review of the drafted decision, a Motion was made by Joseph Mulvey and seconded by John Capobianco to sign the Decision and Order, as written. After discussion, all participating Board Members voted in favor of the Motion and did sign the Decision and Order, as written.

**STATUS LETTERS**

1. Case No. ULP-5560/5567  
Corrections & RIBCO

After review, a Motion was made by John Capobianco and seconded by Ellen Jordan to vacate the Board's previous Motion for Dismissal, reinstate Case No. ULP-5567 and proceed to formal hearing. All Board Members voted in favor of the Motion.

**MISCELLANEOUS MATTERS:**

1. Case No. EE-3672/EE-3673 (*Consent & Affidavit*)  
Jamestown & NAGE

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Gerald Goldstein and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; and that the Certifications in this matter shall be amended to reflect the change to the bargaining unit jurisdiction as requested by the parties. After discussion, all Board Members voted in favor of the Motion.

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Gerald Goldstein made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges and Miscellaneous Matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Ellen Jordan, and it was unanimously

**VOTED:** for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:50 a.m.

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The meeting resumed in open session at 10:20 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

**UNFAIR LABOR PRACTICES:**

1. Case No. ULP-5724  
Providence & Local 799, IAFF

**Frank Montanaro recused himself from participation in this matter.**

**DETERMINATION:** To hold this matter in abeyance pending the outcome of the Accretion Petition in Case No. EE-1445.

**MISCELLANEOUS MATTERS:**

1. Case No. ULP-5722  
State of RI & NE Health are Employees Union, District 1199, SEIU  
***Motion for a More Definitive Statement filed by the State***

**DETERMINATION:** To hold this matter in abeyance pending the outcome of the Election Petition Case No. EE-3671.

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A Motion to adjourn was made by Frank Montanaro, and it was seconded by Elizabeth Dolan, and it was unanimously,

**VOTED:** to adjourn the meeting at 10:25 a.m.